## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA   | )   |  |
|--|---|--|
| Plaintiff,   | ) 8:06CR111<br>)  |  |
| vs.  | ) DETENTION ORDER   |  |
| DANIEL A. APONTE,  |   |  |
| Defendant.   | <b>,</b>  |  |
| A. Order For Detention After conducting a detention hearing pursua Act on April 20, 2006, the Court orders the a to 18 U.S.C. § 3142(e) and (i). | ant to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant   |  |
| conditions will reasonably assure the  | n because it finds: ence that no condition or combination of e appearance of the defendant as required. at no condition or combination of conditions  |  |
| Reservation in violation of  | es Report, and includes the following: le offense charged: an Indian female on the Omaha Indian of 18 U.S.C. §§ 1152 and 113(a)(5). If violence. larcotic drug. large amount of controlled substances, to with ainst the defendant is high. of the defendant including:  appears to have a mental condition which ther the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. Is not a long time resident of the community. Indian defendant: a similar assault on the December 2005. has a history relating to drug abuse. has a significant prior criminal record. has a prior record of failure to appear at |  |

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|              | Release pending trial, sentence, appeal or completion of sentence.   |
|--------------|--|
|              | (c) Other Factors:   |
|              | The defendant is an illegal alien and is subject to deportation.   |
|              | The defendant is a legal alien and will be subject to deportation if convicted.  |
|              | The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal.  Other:   |
| <u>X</u> (4) | The nature and seriousness of the danger posed by the defendant's release are as follows: The defendant was on probation for assault on the same victim named in the Information. The probation was imposed on March 8, 2006. The defendant has used marihuana since being placed on probation and has a difficult time controlling his anger. |

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 24, 2006. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge